THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.2222 of 2007

Between:

Mullapadi Raja Mohana Rao.

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PETITIONER

and

The Agent to Government and others.

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RESPONDENTS

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ORDER:

It is stated that on a complaint filed by the then Special

Deputy Tahsildar (Tribal Welfare), Polavaram, under Section 3(2)(a) of A.P.Scheduled Areas Land Transfer Regulation 1/59 as amended by Regulation 1/70, the 2nd respondent passed ejectment order in S.A.No.71 of 2005, dated 29-11-2006, directing the 3rd respondent herein to take possession of the land to an extent of Ac.3-08 cents in R.S.No.190 and Ac.2-20 cents in R.S.No.190/1, which is said to have been purchased by the petitioner after 1970, as the said possession by the petitioner is in violation of the provisions of A.P.Scheduled Areas Land Transfer Regulation 1/59 as amended by Regulation 1/70.

Aggrieved by the said order, the petitioner filed an appeal along with stay application before the 1st respondent on 28-01-2007.

I am not inclined to express any opinion on the merits of the case. In fact, the petitioner has not even filed any acknowledgment in proof of filing the said appeal as well as the stay application before the 1st respondent.

Having regard to the facts and circumstances of the case, I am of the opinion that if any appeal is filed and the same is pending as on today before the 1st respondent, the 1st respondent shall dispose of the appeal, as expeditiously as possible, after giving reasonable opportunity to all the concerned. Pending disposal of the appeal, the petitioner shall not be dispossessed from the land in question. However, if no such appeal is pending, it is open for the 3rd respondent to dispossess the petitioner from the land in question.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

08-02-2007

Note:
Issue C.C. in two days
(B/o)
Prv